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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/607,065	06/29/2000	Jussi Ruutu	975.306USW1	7291

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EXAMINER

NGUYEN, BRIAN D

ART UNIT PAPER NUMBER

2661

DATE MAILED: 02/11/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/607,065

Applicant(s)

RUUTU ET AL.

Examiner

Brian D Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on the amendment filed 12/27/01.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

2. Claims 1-4 are rejected under 35 U.S.C. 102(e) as being anticipated by Timbs et al (6,018,521).

Regarding claims 1-4, Timbs discloses a broadband cellular network device comprising a base station control unit for controlling the distribution of ATM cells, an ATM controller connected and being controlled by the ATM control unit, and an ATM switch for switching ATM cells. Wherein the base station control unit provide either a software, hardware, or mixed of hardware/software implementation of base station controller function and adapted to instruct the ATM controller to provide an interface for converting commands issued by the base station control unit into a command causing switching actions and the ATM controller is adapted to employ ATM based signaling and to provide control commands for controlling connecting hardware of the ATM mode switching means (see abstract; Figures 1 A & B; col. 3, lines 22-27; col. 4, lines 54-56; col. 6, lines 37-48 & 60-66; and col. 8, lines 13-15 & 45-49).

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***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Timbs et al (6,018,521) in view of Korpela (5,946,634).

Regarding claims 5 and 6, Timbs discloses all the claimed subject matter as described in previous paragraph except for the at least two functional layers such as cellular network related upper layer and ATM related lower layer. However, these two layer are well known in the art. Korpela discloses a mobile communication system including these two layer (see Figure 6; col. 4, lines 4-6 & 37-46; and col. 5, lines 39-47). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to arrange the system to include the at least two functional layers as taught by Korpela in the system of Timbs since this is a common practice in the art.

5. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Timbs et al (6,018,521) in view of Takase et al (5,963,555).

Timbs discloses all the claimed subject matter as described in previous paragraph except for adapting a General Switch Management Protocol (GSMP). However, using the GSMP is well known in the art. Takase discloses the use of GSMP (see col. 2, lines 15-17). Therefore, it would

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have been obvious to a person of ordinary skill in the art at the time the invention was made to use the GSMP as taught by Takase in the system of Timbs to improve system flexibility.

***Response to Arguments***

6. Applicant's arguments filed 1227/01 have been fully considered but they are not persuasive.

Applicant argued that applicants' invention is different from Timbs because applicant's ATM switch controller is separate and distinct from BSC unit, whereas the ATM controller of Timbs (path connection manager 105) is clearly contained within BSC 220 of Timbs. This argument is irrelevant because there is no limitation in the claim expressing that the ATM switch controller is physically separate from BSC unit. The claim merely discloses a broadband cellular network device that comprises a base station control unit, an ATM controller, and an ATM switch connecting to each others for performing ATM switching function. Timbs does disclose a system that comprises a base station control unit, an ATM switch controller, and an ATM switch. In addition, a system with an integrated or separated switch controller is a matter of design choice. Timbs teaches a system that relying upon either an integrated or separate (external) controller (see col. 1, lines 54-55). The base station controller subsystem of Timbs is also scalable (see col. 8, lines 13-14).

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***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Nguyen whose telephone number is (703) 305-5133. The examiner can normally be reach on Monday-Thursday from 7:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Olms, can be reach on (703) 305-4703. The fax phone number for this Group is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 306-0377

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**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 872-9314 (for formal communications intended for entry)

**Or:**

(703) 872-9314 (for informal or draft communications, please label

“PROPOSED” or DRAFT”)

Hand-delivered response should be brought to Crystal Park II, 2021 Crystal Drive,  
Arlington VA., Sixth Floor (Receptionist).

Jan. 29, 2002



Brian Nguyen



DANG TON  
PRIMARY EXAMINER